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09/497,373	02/03/2000	Amir Alon	MCTA-004/01US	7420

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EXAMINER

THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/497,373	ALON ET AL.
	Examiner Forest Thompson Jr.	Art Unit 3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 July 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2-4,6,8-19,21-23,25,37-39,56-61,64-77 and 80-89 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 2-4,6,8-19,21-23,25,37-39,56-61,64-77 and 80-89 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 03 February 2000 is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action (See Papers #6 & 9). The text of those sections of Title 35, U.S. Code not otherwise provided in a prior Office action will be included in this action where appropriate.
2. This action is responsive to the amendment B filed on 07/28/2003 (see Paper #10). Applicant amended claims 6, 8, 21, 22, 25, 27, 36, 56, and 74. Claims 2-4, 6, 8-19, 21-23, 25, 27-39, 56-61, 64-77, and 80-89 are pending.
3. Claims 2-4, 6, 8-19, 21-23, 25, 27-39, 56-61, 64-77, and 80-89 have been examined.

#### ***Claim Rejections - 35 USC § 112***

4. Claims 21-23 were rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. Applicant's amendment overcomes the rejection. Therefore, examiner withdraws the rejection.
5. Claims 27-35 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention. Applicant's amendment overcomes the rejection. Therefore, examiner withdraws the rejection.

***Claim Rejections - 35 USC § 103***

6. Claims 36-39 were rejected in Paper #9 under 35 U.S.C. 103(a) as being unpatentable over Shkedy (U.S. Patent No. 6,260,024), and further in view of Pallakoff (U.S. Patent No. 6,269,343). Applicant's amendment necessitated new art being applied. Therefore, examiner withdraws the rejection.

7. Claims 2-4, 6, 13-15, 17-19, 21-23, 25, 74-77, 80, and 82-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pallakoff (U.S. Patent No. 6,269,343), and further in view of Reuhl et al. (U.S. Patent No. 5,873,069).

2. Pallakoff discloses the agent entity is one of a buyer in the group or the group (Abstract).

3. Pallakoff discloses:

- collecting payment information from the at least one buyer in the group who is interested in buying the product/service at the received suggested price quotation (fig. 3 [34]; col. 12 lines 30-36); and
- sending the collected payment information to the at least one seller (fig. 3 [34]; col. 12 lines 30-36).

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4. Pallakoff discloses the payment information is in the form of a credit card number for the at least one buyer in the group who is interested in buying the product service (fig. 3 [34]; col. 12 lines 30-36).

6. Pallakoff discloses:

- receiving into the computer requests to purchase the product/service by buyers of the group (col. 3 line 66 – col. 4 line 11);
- forming a collective request for purchase of the product/service based upon the received buyer requests to purchase the product/service (Abstract);
- sending the collective request to at least one seller (col. 14 lines 30-33);
- receiving a suggested price quotation for the product service from the at least one seller (col. 3 lines 5-10);
- notifying an agent entity of the received suggested price quotation (col. 3 lines 37-49); and
- receiving purchase authorization from at least one buyer in the group to buy the product service from one of the at least one seller at the suggested price quotation (col. 6 line 64 – col. 7 line 5).

Pallakoff does not disclose the feature of allowing at least another seller to review the received price quotation for the product/service from the at least one seller; receiving another suggested price quotation for the product/service from the at least another seller; nor notifying an agent entity of the received suggested another price quotation. However, Reuhl's disclosure encompasses these features, through the disclosure of:

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- the price-changing function of the system is responsive to competitive price data on identical or substantially similar products in multiple geographic markets for multiple competitors (col. 3 lines 58-61); and
- providing potential buyers with price comparisons among competitors to ascertain the best price available for a product or a substantially similar product (col. 3 lines 9-12).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Pallakoff to explicitly include allowing at least another seller to review the received price quotation for the product/service from the at least one seller; receiving another suggested price quotation for the product/service from the at least another seller; nor notifying an agent entity of the received suggested another price quotation, as disclosed by Reuhl, for the motivation of facilitating a sales transaction for purchasing a product/service by a group of buyers from a seller.

13. Pallakoff discloses providing a setup tool that facilitates receiving group buy setup characteristics data that includes at least one of price targets for the product/service, buyer deadlines for joining the group, and buyer deadlines for receiving purchase authorization (Abstract; col. 2 line 48 – col. 4 line 11).

14. Pallakoff discloses the computer is connected to an electronic network and wherein the received requests to purchase the product/service are received over the electronic network (col. 1 lines 40-67).

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15. Pallakoff discloses the electronic network is at least one of the World Wide Web, the Internet, or an intranet (col. 1 lines 45-48).

17. Pallakoff discloses:

- the computer is connected to an electronic network (col. 1 lines 11-13);

and

- the received suggested price quotation for the product/service is received over the electronic network (Abstract).

18. Pallakoff discloses providing the agent entity with pre-negotiated prices for the product/service from the at least one seller (col. 14 lines 17-20).

19. Pallakoff discloses notifying the agent entity of the received suggested price quotation comprises sending a message to the agent entity in a format of at least one of an e-mail message, an Internet immediate message, a voice message, a beeper message, or a facsimile message (col. 10 lines 40-56).

21. Pallakoff discloses requesting the at least one seller to honor the at least one of an agreed price for the product service or the price reduction for the product service for the at least one group size (col. 14 lines 30-33), in the disclosure of *communicating to said plurality of individual potential buyers and said sellers the price of said at least one product at the end of said specified and limited time period.*

22. Pallakoff discloses collecting payment information from buyers in the group who have submitted requests to purchase the product/service (col. 7 lines 23-26).

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23. Pallakoff discloses the payment information is in the form of a credit card number for each buyer of the buyers in the group who are interested in buying the product/service (col. 8 lines 41-53).

25. Pallakoff discloses:

- receiving from at least one seller at least one of an agreed price for the product/service or a price reduction for the product/service for at least one group size (col. 3 lines 5-65);
- receiving into the computer requests to purchase the product service by buyers (col. 3 line 66 – col. 4 line 52),
- the buyers collectively forming a group (col. 4 lines 42-52),
- the computer configured to receive the requests to purchase the product service after receiving from the at least one seller the agreed price or the price reduction (col. 4 lines 30-52);
- monitoring the group to determine if the group has attained the at least one group size (col. 5 lines 16-28); and
- providing buyer payment information to the at least one seller if the group attains the at least one group size (col. 5 lines 38-45).

Pallakoff does not specifically disclose allowing at least another seller to review the at least one of an agreed price for the product service or the price reduction for the product/service for at least one group size from the at least one seller; receiving another agreed price for the product/service from the at least another seller; nor notifying buyers in the group of the received another agreed

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price. However, Reuhl's disclosure encompasses these features, through the disclosure of:

- the price-changing function of the system is responsive to competitive price data on identical or substantially similar products in multiple geographic markets for multiple competitors (col. 3 lines 58-61); and
- providing potential buyers with price comparisons among competitors to ascertain the best price available for a product or a substantially similar product (col. 3 lines 9-12).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Pallakoff to explicitly allow at least another seller to review the received price quotation for the product/service from the at least one seller; receive another suggested price quotation for the product/service from the at least another seller; and notify an agent entity of the received suggested another price quotation, as disclosed by Reuhl, for the motivation of using a computer to facilitate a sales transaction for purchasing a product/service by a group of buyers from a seller.

74. Pallakoff discloses:

- a memory configured to retain at least one of an agreed price for the product/service from the at least one seller or a price reduction for the product/service for at least one group size from the at least one seller (col. 12 lines 54-66);

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- It is also noted that in the embodiment shown in FIG. 1, the system controller 13 consists of server hardware running database software, software for performing the logic in FIGS. 3 to 8, and web server software for hosting one or more web sites (col. 12 lines 54-58).
- a purchase request receiver configured to receive requests to purchase the product service by buyers, the buyers collectively forming a group, the purchase request receiver configured to receive the requests to purchase the product service after receiving from the at least one seller the agreed price or the price reduction (col. 3 line 66 – col. 4 line 11);
- a group monitor configured to monitor the group to determine if the group has attained the at least one group size (col. 5 lines 16-28); and
- a payment provider configured to provide payment information to the at least one seller if the group monitor indicates that the group has attained the at least one group size (col. 5 lines 38-45).
- a purchase request receiver configured to receive requests to purchase the product service by buyers, the buyers collectively forming a group, the purchase request receiver configured to receive the requests to purchase the product service after receiving from the at least one seller the agreed price or the price reduction (col. 3 line 66 – col. 4 line 11);
- a group monitor configured to monitor the group to determine if the group has attained the at least one group size (col. 5 lines 16-28); and

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- a payment provider configured to provide payment information to the at least one seller if the group monitor indicates that the group has attained the at least one group size (col. 5 lines 38-45).

Pallakoff does not specifically disclose a database configured to allow the at least another seller to review the at least one of an agreed price for the product service or the price reduction for the product service for at least one group size from the at least one seller; a price notifier configured to notify each of the buyers in the group of the received another suggested price quotation; notifying an agent entity of the received suggested another price quotation; nor configured to retain another suggested price quotation for the product service from at least another seller. However, Reuhl's disclosure encompasses these features, through the disclosure of:

- the price-changing function of the system is responsive to competitive price data on identical or substantially similar products in multiple geographic markets for multiple competitors (col. 3 lines 58-61); and
- providing potential buyers with price comparisons among competitors to ascertain the best price available for a product or a substantially similar product (col. 3 lines 9-12).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Pallakoff to explicitly disclose a database configured to allow the at least another seller to review the at least one of an agreed price for the product service or the price reduction for the product service for at least one group size from the at least one seller; a price

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notifier configured to notify each of the buyers in the group of the received another suggested price quotation; notifying an agent entity of the received suggested another price quotation; and configured to retain another suggested price quotation for the product service from at least another seller, as disclosed by Reuhl, for the motivation of facilitating a sales transaction for purchasing a product/service by a group of buyers from a seller.

75. Claim 75 is written as a system and contains the same limitations as claim 21; therefore, the same rejection is applied.

76. Claim 76 is written as a system and contains the same limitations as claim 22; therefore, the same rejection is applied.

77. Claim 77 is written as a system and contains the same limitations as claim 23; therefore, the same rejection is applied.

80. Claim 80 is written as a system and contains essentially the same limitations as claim 7; therefore, the same rejection is applied.

82. Claim 82 is written as a system and contains essentially the same limitations as claim 13; therefore, the same rejection is applied.

83. Claim 83 is written as a system and contains essentially the same limitations as claim 14; therefore, the same rejection is applied.

84. Claim 84 is written as a system and contains essentially the same limitations as claim 15; therefore, the same rejection is applied.

85. Claim 85 is written as a system and contains essentially the same limitations as claim 16; therefore, the same rejection is applied.

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86. Claim 86 is written as a system and contains essentially the same limitations as claim 33; therefore, the same rejection is applied.

87. Claim 87 is written as a system and contains essentially the same limitations as claim 34; therefore, the same rejection is applied.

8. Claims 8-12, 27-33, 36, 38-39, 56-59, 64-73, and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pallakoff (U.S. Patent No. 6,269,343), and further in view of Shkedy (U.S. Patent No. 6,260,024).

8. Pallakoff discloses receiving into the computer buyer requests to purchase the product service by verified buyers of the group; forming a collective request for purchase of the product service based upon the received buyer requests to purchase the product/service; sending the collective request to the at least one seller; receiving a price quotation for the product/service from the at least one seller; notifying an agent entity of the received suggested price quotation; and receiving purchase authorization from at least one verified buyer in the group to buy the product/service at the received suggested price quotation.

Pallakoff does not specifically disclose verifying that buyers in the group satisfy a predetermined requirements list that requires a plurality of buyers in the group to have a common employer. However, Shkedy discloses verifying that buyers in the group satisfy a predetermined requirements list (col. 7 lines 5-8), in the disclosure of *Cryptographic protocols are provided to authenticate the identity of buyers and/or sellers and verify the integrity of buyer and seller*

*communications with the central controller 200.* This disclosure encompasses verifying that buyers are member of a common group (e.g., a common employer). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Pallakoff to specifically require verifying that buyers in the group satisfy a requirements list that requires a plurality of buyers in the group to have a common employer, as disclosed by the disclosure of Shkedy, for the motivation of facilitating a sales transaction for purchasing a product/service by a group of buyers that are associated with each other.

9. Pallakoff discloses functionality that encompasses sending the collective request to the at least one seller that further comprises a price reduction request for the product/service based on a number of buyers in the group (col. 14 lines 23-33).

10. Pallakoff discloses the price reduction request further includes a preexisting group discount rate of the at least one seller (col. 14 lines 23-33).

11. Pallakoff discloses the received suggested price quotation is based on a number of buyers in the group (col. 14 lines 20-22), through the disclosure of *receiving from said plurality of individual potential buyers at the controller an indication of an acceptance of said conditional sales offer for said at least one product.*

12. Pallakoff discloses receiving into the computer a group buy setup characteristics data set that includes at least one of price targets for the product

service, buyer deadlines for joining the group, buyer deadlines for submitting purchase authorization, and deadlines for closing the sales transaction (Abstract).

27. Pallakoff discloses receiving from at least one seller at least one of an agreed price for the product/service or a price reduction for the product/service for at least one group size; receiving into the computer requests to purchase the product service by prospective buyers; monitoring the buying group to determine if the buying group has attained the at least one group size; providing payment information to the at least one seller if the group attains the at least one group size.

Pallakoff does not explicitly disclose verifying that each prospective buyer satisfies a requirements list before including the prospective buyer in a buying group, the requirements list including a requirement that more than one buyer in the group have a common employer. However, Shkedy discloses verifying that buyers in the group satisfy a requirements list (col. 7 lines 5-8), in the disclosure of *Cryptographic protocols are provided to authenticate the identity of buyers and/or sellers and verify the integrity of buyer and seller communications with the central controller 200*. This disclosure encompasses verifying that buyers are members of a common group (e.g., a common employer). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Pallakoff to specifically require verifying that each prospective buyer satisfies a requirements list before including the prospective buyer in a buying group, the requirements list including a requirement that more

than one buyer in the group have a common employer, as disclosed by the disclosure of Shkedy, for the motivation of using a computer to facilitate a sales transaction for purchasing a product/service from a seller by a group of buyers that are otherwise associated with each other.

28. Claim 28 is written as a system and contains essentially the same limitations as claim 12; therefore, the same rejection is applied.

29. Claim 29 is written as a system and contains essentially the same limitations as claim 13; therefore, the same rejection is applied.

30. Claim 30 is written as a system and contains essentially the same limitations as claim 14; therefore, the same rejection is applied.

31. Claim 31 is written as a system and contains essentially the same limitations as claim 15; therefore, the same rejection is applied.

32. Claim 32 is written as a system and contains essentially the same limitations as claim 16; therefore, the same rejection is applied.

33. Pallakoff discloses:

- the computer is connected to an electronic network (col. 1 lines 40-67); and
- the payment information is provided to the at least one seller over the electronic network (fig. 3 [34]; col. 12 lines 30-36).

36. Pallakoff discloses:

- (a) specifying a product service for purchase by a group comprised of more than one buyer (col. 3 lines 5-65);
- (b) specifying a collective request by the group to the purchase of the product/service (col. 3 line 66 – col. 4 line 52);
- (c) requesting price information for the product service from the seller (col. 3 lines 5-65);
- (d) specifying a time interval for which the collective request remains active (col. 3 line 66 – col. 4 line 8); and
- (e) specifying at least a minimum sales quantity of the product service for which a price information is requested (col. 8 lines 5-62).

Pallakoff does not specifically disclose verifying that buyers in the group satisfy a predetermined membership requirement of having a common employer. However, Shkedy discloses verifying that buyers in the group satisfy a requirements list (col. 7 lines 5-8), in the disclosure of *Cryptographic protocols are provided to authenticate the identity of buyers and/or sellers and verify the integrity of buyer and seller communications with the central controller 200*. This disclosure encompasses verifying that buyers are member of a common group (e.g., a common employer). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Pallakoff to specifically require verifying that buyers in the group satisfy a predetermined membership requirement of having a common employer, as disclosed by the disclosure of Shkedy, for the motivation of facilitating a sales transaction for

purchasing a product/service by a group of buyers that are associated with each other.

38. Palakoff discloses specifying a number of buyers in the group (fig. 3 [34]; col. 12 lines 30-36).

39. Pallakoff does not explicitly disclose the first through sixth portions are configured for transmission to the seller in an integral transmission. However, Palakoff does disclose transmitting sales information to the seller and status information to the buyer. Sales information would include any and all information necessary to consummate the transaction and deliver the purchases to the buyers, and provide payment to the seller. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Pallakoff to disclose the first through sixth portions are configured for transmission to the seller in an integral transmission, i.e., information relevant to the sale, because this provides closure on the transaction, delivery of the purchased products, and payment.

56. Claim 56 is written as a system and contains the same limitations as claim 8; therefore, the same rejection is applied.

57. Claim 57 is written as a system and contains the same limitations as claim 2; therefore, the same rejection is applied.

58. Claim 58 is written as a system and contains the same limitations as claim 3; therefore, the same rejection is applied.

59. Claim 59 is written as a system and contains the same limitations as claim 4; therefore, the same rejection is applied.

64. Claim 64 is written as a system and contains the same limitations as claim 9; therefore, the same rejection is applied.

65. Claim 65 is written as a system and contains the same limitations as claim 10; therefore, the same rejection is applied.

66. Claim 66 is written as a system and contains the same limitations as claim 11; therefore, the same rejection is applied.

67. Claim 67 is written as a system and contains the same limitations as claim 12 and 13; therefore, the same rejection is applied.

68. Claim 68 is written as a system and contains the same limitations as claim 14; therefore, the same rejection is applied.

69. Claim 69 is written as a system and contains the same limitations as claim 15; therefore, the same rejection is applied.

70. Claim 70 is written as a system and contains the same limitations as claim 16; therefore, the same rejection is applied.

71. Claim 71 is written as a system and contains the same limitations as claim 17; therefore, the same rejection is applied.

72. Claim 72 is written as a system and contains the same limitations as claim 18; therefore, the same rejection is applied.

73. Claim 73 is written as a system and contains the same limitations as claim 19; therefore, the same rejection is applied.

89. Claim 89 is written as a system and contains essentially the same limitations as claim 8; therefore, the same rejection is applied.

9. Claims 16, 34, 35, 37, 60, 61, 81 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pallakoff (U.S. Patent No. 6,269,343), and further in view of Reuhl et al. (U.S. Patent No. 5,873,069) and Shkedy (U.S. Patent No. 6,260,024).

16. Neither Pallakoff nor Reuhl explicitly disclose the received requests to purchase the product/service are received in a secured format. However, Shkedy discloses *Cryptographic key database 290 facilitates cryptographic functions, storing both symmetric and asymmetric keys. These keys are used by cryptographic processor 210 for encrypting and decrypting FPOs 100, seller bids 115, and purchase confirmations 120.* (col. 10 lines 63-67). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosures of Pallakoff and Reuhl to explicitly disclose the controller receiving and sending encrypted/secured purchase requests, as disclosed by Shkedy, for the motivation of facilitating an encrypted/secured sales transaction for purchasing a product/service by a group of buyers.

34. Claim 34 is written as a method and contains the same limitations as claim 25; therefore, the same rejection is applied.

35. Claim 35 is written as a system and contains the same limitations as claim 19; therefore, the same rejection is applied.

37. Pallakoff does not explicitly disclose price information provided by a competing seller of the product service. However, Reuhl's disclosure encompasses this feature, through the disclosure of:

- the price-changing function of the system is responsive to competitive price data on identical or substantially similar products in multiple geographic markets for multiple competitors (col. 3 lines 58-61); and
- providing potential buyers with price comparisons among competitors to ascertain the best price available for a product or a substantially similar product (col. 3 lines 9-12).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Pallakoff to explicitly disclose price information provided by a competing seller of the product service, as disclosed by Reuhl, for the motivation of facilitating a sales transaction for purchasing a product/service by a group of buyers with a seller.

60. Claim 60 is written as a system and contains the same limitations as claim 6; therefore, the same rejection is applied.

61. Claim 61 is written as a system and contains the same limitations as claim 6; therefore, the same rejection is applied.

81. Claim 81 is written as a system and contains essentially the same limitations as claim 8; therefore, the same rejection is applied.

88. Claim 88 is written as a system and contains essentially the same limitations as claim 35; therefore, the same rejection is applied.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 2-4, 6, 8-19, 21-23, 25, 27-39, 56-61, 64-77, and 80-89 have been considered but are moot in view of the new ground(s) of rejection.

Prior art used to reject applicant's claimed invention include:

- Pallakoff discloses a method and system that allows sellers to communicate conditional offers to potential buyers. The conditions include prices that depend on the aggregate amount of goods or services that buyers collectively agree to purchase by a given time and date. The invention facilitates "demand aggregation", that is, aggregating demand by potential buyers (who may or may not know each other), for products offered by sellers. This invention allows sellers conveniently to offer "Demand-Based Pricing", that is, prices which go down as the volume of units sold in any given offer goes up.

- Shkedy discloses providing a global bilateral buyer -driven system for creating binding contracts by incorporating various methods of communication, commerce and security for the buyers and the sellers. Individual buyers purchase requirements are aggregated into a single collective purchase requirement and sellers are located willing to bid on the collective purchase requirement. A central controller facilitates the buyer/seller transaction by fielding binding offers from buyers, aggregating those offers into group (i.e. pooled) offers and

communicating those group offers globally in a format which can be efficiently accessed and analyzed by potential sellers. This system can also effectuate performance of resulting contracts, resolve disputes arising from those contracts, and maintain billing, collection, authentication, and anonymity. The methods disclosed are applicable to any commerce situation involving buyers and sellers.

- Reuhl discloses an enterprise-wide integrated computer system for storing, processing and reporting pricing information regarding a plurality of products in a plurality of stores in a plurality of markets, including a pricing function for pricing and re-pricing products responsive to market price changes. Pricing and re-pricing are accomplished on a product-by-product and a market-by-market basis.

The combination of the prior art references identified in the above rejection are classified in the same class/subclass (i.e., 705/26) as applicant's application and provide functionality to accomplish on-line sales, with features that encompass the claimed features of applicant's invention. Therefore, this prior art is compatible prior art for use in the rejection.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:

- Cockrill et al. (U.S. Patent No. 6,473,740) that discloses a transaction network that facilitates and simplifies purchase transactions between any number

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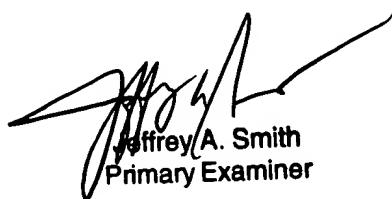
of customers and any number of merchants. The transaction network is primarily utilized in the sale and purchase of digital content via a network such as the Internet. The transaction network registers and authenticates customer purchase activities and maintains customer account data including payment information. Once registered, a customer will generally not register again for further purchase activities at participating merchant sites.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

FT  
09/30/2003

  
Jeffrey A. Smith  
Primary Examiner